

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

HILDA L. SOLIS, SECRETARY	:	CIVIL ACTION
OF LABOR, UNITED STATES	:	
DEPARTMENT OF LABOR	:	
	:	
v.	:	
	:	
JOHN J. KORESKO, V, et al.	:	NO. 09-988

ORDER

AND NOW, this 3rd day of August, 2012, upon consideration of the plaintiff's Motion for Partial Summary Judgment (Docket Nos. 267, 268, 269), the Koresko Defendants' response (Docket Nos. 284, 285) and F&M Trust's response thereto (Docket Nos. 281, 282), and the plaintiff's replies (Docket Nos. 297, 298, 299), and following oral argument on July 10, 2012, IT IS HEREBY ORDERED, for the reasons stated in a memorandum of law bearing today's date, that the motion is GRANTED IN PART and DENIED WITHOUT PREJUDICE IN PART.

The Court will grant the Secretary's motion as to defendants Koresko, Bonney, and PennMont for violations of ERISA Sections 403, 29 U.S.C. § 1103; 404(a)(1)(A), 29 U.S.C. § 1104(a)(1)(A); and 404(a)(1)(B), 29 U.S.C. § 1104(a)(1)(B) for all three Plans. The Court will grant the motion as to defendants Koresko, Bonney, and PennMont for violations of ERISA Section 406(a)(1)(D), 29 U.S.C. § 1106(a)(1)(D) as to the Cetylite Plan, and deny without prejudice as to the Decor and Castellano Plans. The Court will deny the motion without prejudice as to KAPC and KLF, and as to violations of ERISA

Section 406(b)(1), 29 U.S.C. § 1106(b)(1).

The Court will defer a decision on whether the relief requested by the Secretary is appropriate until a later time. In the interim, the Court will consider any request for narrower, more limited injunctive relief that the Secretary may seek based on the Court's decision on the instant motion.

BY THE COURT:

/s/ Mary A. McLaughlin  
MARY A. McLAUGHLIN, J.